

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

JOHN DOE,

*Plaintiff,*

-against -

ROMAN CATHOLIC DIOCESE OF ALBANY and  
ST. MARY'S CHURCH,

*Defendants.*

X

X

To the above-named defendants:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York): and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, ALBANY COUNTY ON \_\_\_\_\_ IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).**

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By:

  
Jordan K. Merson  
Attorneys for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

TO:

**ROMAN CATHOLIC DIOCESE OF ALBANY**  
40 N Main Ave, #4  
Albany, NY 12203

**ST. MARY'S CHURCH**  
10 Lodge Street  
Albany, NY 12207

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY**

Index No.: \_\_\_\_\_/19

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**JOHN DOE,**

**Plaintiff,**

**-against -**

**VERIFIED  
COMPLAINT**

**ROMAN CATHOLIC DIOCESE OF ALBANY and ST.  
MARY'S CHURCH,**

**Defendants.**

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Plaintiff(s), above named, complaining of the defendants, by **MERSON LAW,  
PLLC.**, respectfully allege(s):

**NATURE OF THE CLAIM**

1. This is a case of plaintiff John Doe,<sup>1</sup> who was sexually abused as a child by Father Richard Severson (“Severson”) at and of St. Mary’s Church and Roman Catholic Diocese of Albany (“Diocese”).
2. Severson was a priest at St. Mary’s Church in Hudson Falls, New York which was part of the Diocese. Severson was known among the community and the children as a sexual predator.
3. Despite the Diocese’s and St. Mary’s Church’s knowledge that Severson sexually abused children and/or had the propensity to sexually abuse children, the Diocese and St. Mary’s Church allowed Severson unfettered access to children, including on Diocese premises.

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<sup>1</sup> Plaintiff uses a pseudonym because he is a victim of a sex crime pursuant to N.Y. Civ. Rights § 50-b and other statutory and common law principles.

4. Beginning in or about 1982 and continuing until approximately 1985, Severson while under the scope of employment with the Diocese and St. Mary's Church and while acting on behalf of the Diocese and St. Mary's Church, Severson would sexually abuse plaintiff, then between the ages of 10 and 13 years old. Severson would force Plaintiff to sleep in the rectory and other venues and rub Plaintiff's buttock, fondled him, rub his penis on Plaintiff's back until he would ejaculate on Plaintiff and otherwise sexually abuse him.
5. Severson sexually abused Plaintiff in the church rectory at St. Mary's Church, in New Hampshire, in Severson's car and other venues.
6. John Doe brings this lawsuit to recover for the emotional and physical suffering he endured because of the negligence of the Roman Catholic Diocese of Albany and St. Mary's Church and to make sure no other child is forced to suffer the abuse and physical and mental trauma he felt and continues to feel.

#### PARTIES

7. At all times herein mentioned defendant **ROMAN CATHOLIC DIOCESE OF ALBANY** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
8. At all times herein mentioned, defendant **ROMAN CATHOLIC DIOCESE OF ALBANY** was located at 40 N. Main Avenue, #4, Albany, New York 12203.
9. At all times herein mentioned, Severson was a priest operating under the direction and control of defendant **ROMAN CATHOLIC DIOCESE OF ALBANY**, and its agents, servants and/or employees.

10. At all times herein mentioned, Severson was an agent, servant and/or employee of defendant **ROMAN CATHOLIC DIOCESE OF ALBANY**.
11. At all times herein mentioned defendant **ST. MARY'S CHURCH** was a not for profit corporation incorporated in the state of New York and by virtue of the laws of the State of New York.
12. At all times herein mentioned, defendant **ST. MARY'S CHURCH** was located at 10 Lodge Street, Albany, New York 12207.
13. At all times herein mentioned, Severson was a priest operating under the direction and control of defendant **ST. MARY'S CHURCH**, and its agents, servants and/or employees.
14. At all times herein mentioned, Severson was an agent, servant and/or employee of defendant **ST. MARY'S CHURCH**.
15. At all times herein mentioned, Defendants **ROMAN CATHOLIC DIOCESE OF ALBANY** and the **ST. MARY'S CHURCH**, were agents, servants, employees and/or alter egos of each other.

#### FACTS OF THE CASE

16. Defendants **ROMAN CATHOLIC DIOCESE OF ALBANY**'s and **ST. MARY'S CHURCH**'s negligence and recklessness caused Severson to have access to the children of its parishes despite their knowledge that Severson sexually abused children, including on Diocese premises, and/or had the propensity to sexually abuse children and therefore are responsible for the injuries that Plaintiff incurred because but for Defendants **ROMAN CATHOLIC DIOCESE OF ALBANY** and **ST. MARY'S CHURCH**'s negligence, Plaintiff would not have suffered the mental and physical

anguish inflicted by Severson. Defendants **ROMAN CATHOLIC DIOCESE OF ALBANY**'s and **ST. MARY'S CHURCH**'s gross negligence, reckless, wanton, and/or willful conduct supports punitive liability.

17. Severson sexually assaulted Plaintiff and many other young patrons of St. Mary's Church in Hudson Falls, New York. Nonetheless, defendants **ROMAN CATHOLIC DIOCESE OF ALBANY** and **ST. MARY'S CHURCH** failed to remove Severson from his position as a priest or to take any steps to keep the dangerous predator away from children. In fact, the Diocese continued to allow, encourage and/or permit Severson to have unfettered access to children.
18. In approximately 1982 and continuing through approximately 1985, Severson would sexually abuse Plaintiff frequently.
19. Plaintiff's mother was an active member of St. Mary's Church and an employee at St. Mary's Church. Severson used his position as priest to manipulate Plaintiff's mother into forcing Plaintiff to spend time alone with Severson including overnight and weekend trips.
20. Severson sexually abused Plaintiff in the rectory of St. Mary's Church, in Severson's car and in New Hampshire.
21. The abuse began by Severson rubbing Plaintiff's upper thigh and leg. Severson claimed he was trying to see if Plaintiff was ticklish on his legs.
22. Once Plaintiff began being forced to sleep with Severson in the rectory, Plaintiff would wake up to Severson on top of him humping him and rubbing his buttocks. Severson would hump Plaintiff until he ejaculated on Plaintiff's back and then clean Plaintiff's back with a towel, rubbing his buttocks.

23. One year for the Fourth of July, Severson requested to Plaintiff's mother that Plaintiff accompany him to a beach in New Hampshire for the weekend. While there, again, Severson humped Plaintiff while he laid in his bed.
24. On the ride home from New Hampshire, Plaintiff was not feeling well. Severson instructed Plaintiff to lay in the back seat of the car and try to sleep. While Plaintiff was trying to sleep, Severson reached into the backseat and fondled Plaintiff's penis over his clothes.
25. After each time Severson sexually abused Plaintiff, Severson would tell Plaintiff that he forgave him, say a Hail Mary and tell him it was a confession so he was okay, manipulating Plaintiff into thinking he was the one who did something wrong.
26. Severson additionally told Plaintiff that sex was only penetration in order to manipulate Plaintiff into not thinking he was doing anything wrong.
27. Severson further manipulated and intimidated Plaintiff into not revealing the sexual abuse by telling him he used to be a police chief.
28. Severson used his position and authority as a priest, provided to him by the Diocese, to manipulate Plaintiff into not revealing the abuse and to manipulate Plaintiff's family into trusting him to be alone with Plaintiff.
29. Severson sexually abused several other young male patrons of St. Mary's Church in addition to Plaintiff.
30. As a result of the actions of Severson, Plaintiff felt and continues to feel ashamed and uncomfortable.
31. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendants  
**ROMAN CATHOLIC DIOCESE OF ALBANY's and ST. MARY'S CHURCH's**

negligence in undertaking a duty, including but not limited to in locis parentis, in failing to protect the children of its parishes and of its community safe from Severson despite the Diocese having knowledge that Severson sexually abused children and/or had the propensity to sexually abuse children, and/or allowing Severson to continue to have his position of authority and power, and the Diocese failed to properly supervise Severson.

**AS AND FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE**

**AS FOR ROMAN CATHOLIC DIOCESE OF ALBANY**

32. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 31. inclusive, with the same force and effect as if hereinafter set forth at length.
33. At all times mentioned herein, defendant **ROMAN CATHOLIC DIOCESE OF ALBANY** owed a duty of care, including but not limited to in locis parentis, to keep the young children patrons of its parishes safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the plaintiff, and they had a duty to supervise Severson.
34. At all times mentioned herein, defendant **ROMAN CATHOLIC DIOCESE OF ALBANY** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
35. As a result of the negligence of defendant **ROMAN CATHOLIC DIOCESE OF ALBANY** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or

physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

36. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
37. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
38. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
39. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE**

**AS FOR ST. MARY'S CHURCH**

40. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 39. inclusive, with the same force and effect as if hereinafter set forth at length.
41. At all times mentioned herein, defendant **ST. MARY'S CHURCH** owed a duty of care, including but not limited to in locis parentis, to keep the young children patrons of its church safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the plaintiff, and they had a duty to supervise Severson.
42. At all times mentioned herein, defendant **ST. MARY'S CHURCH** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.

43. As a result of the negligence of defendant **ST. MARY'S CHURCH** and/or its agents, servants and/or employees, plaintiffs were caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
44. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
45. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
46. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
47. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT HIRING,**

**RETENTION AND SUPERVISION AS TO**  
**ROMAN CATHOLIC DIOCESE OF ALBANY**

48. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 47., inclusive, with the same force and effect as if hereinafter set forth at length.
49. Defendant **ROMAN CATHOLIC DIOCESE OF ALBANY**, had a duty to supervise and prevent known risks of harm to the young children patrons of its parishes by its clergymen.
50. Defendant was negligent in hiring, retaining and supervising their personnel, such as Severson, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church

officials and other church supervisors who should have properly been supervising the priests and church officials to ensure the safety of the children of its parishes.

51. Defendant **ROMAN CATHOLIC DIOCESE OF ALBANY** knew or should have known Severson sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
52. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
53. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
54. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
55. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
56. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENT HIRING,**

**RETENTION AND SUPERVISION AS TO ST. MARY'S CHURCH**

57. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 56., inclusive, with the same force and effect as if hereinafter set forth at length.
58. Defendant **ST. MARY'S CHURCH**, had a duty to supervise and prevent known risks of harm to the young children patrons of its parish by its clergymen.

59. Defendant was negligent in hiring, retaining and supervising their personnel, such as Severson, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials and other church supervisors who should have properly been supervising the priests and church officials to ensure the safety of the children of its parish.
60. Defendant **ST. MARY'S CHURCH** knew or should have known Severson sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
61. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
62. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
63. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
64. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
65. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE FIFTH CAUSE OF ACTION FOR NEGLIGENT INFILCTION**  
**OF EMOTIONAL DISTRESS AS TO**  
**ROMAN CATHOLIC DIOCESE OF ALBANY**

66. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 65., inclusive, with the same force and effect as if herein set forth at length.
67. Defendant **ROMAN CATHOLIC DIOCESE OF ALBANY** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Severson, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
68. Defendant **ROMAN CATHOLIC DIOCESE OF ALBANY** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
69. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Severson
70. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in Severson sexually abusing Plaintiff.
71. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
72. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
73. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
74. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE SIXTH CAUSE OF ACTION FOR NEGLIGENT INFILCTION**  
**OF EMOTIONAL DISTRESS AS TO ST. MARY'S CHURCH**

75. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 74., inclusive, with the same force and effect as if herein set forth at length.
76. Defendant **ST. MARY'S CHURCH** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Severson, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
77. Defendant **ST. MARY'S CHURCH** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
78. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Severson
79. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in Severson sexually abusing Plaintiff.
80. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
81. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
82. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

83. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendant in such sum as a jury would find fair, adequate and just.

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By: Jordan Merson  
Jordan K. Merson  
Attorney for Plaintiffs  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY**

**Index No.:**

/19

**JOHN DOE,**

**Plaintiff,**

**-against -**

**ATTORNEY  
VERIFICATION**

**ROMAN CATHOLIC DIOCESE OF ALBANY and ST.  
MARY'S CHURCH,**

**Defendants.**

X

JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmand and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York  
August 14, 2019



JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

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JOHN DOE,

*Plaintiff,,*

*- against -*

ROMAN CATHOLIC DIOCESE OF ALBANY and ST.  
MARY'S CHURCH,

*Defendants.*

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SUMMONS AND VERIFIED COMPLAINT

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Merson Law, PLLC.

*Attorneys for Plaintiff(s)*

*Office and Post Office Address, Telephone*  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Fl.  
New York, New York 10155  
(212) 603-9100

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To: All Parties

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